

**SUPREME COURT MINUTES
MONDAY, DECEMBER 3, 2012
SAN FRANCISCO, CALIFORNIA**

S044592**PEOPLE v. HOMICK
(STEVEN)**

Opinion filed: Judgment affirmed in full

Majority Opinion by Werdegarr, J.

-- joined by Cantil-Sakauye, C. J., Baxter, Chin, Corrigan, and Liu, JJ.

Dissenting Opinion by Kennard, J.

S186707 G040641 Fourth Appellate District, Div. 3**PEOPLE v. SCHMITZ
(DOUGLAS GEORGE)**

Opinion filed: Judgment reversed

Majority Opinion by Corrigan, J.

-- joined by Cantil-Sakauye, C. J., Baxter, and Chin, JJ.

Concurring and Dissenting Opinion by Werdegarr, J.

-- joined by Kennard, J.

Concurring and Dissenting Opinion by Liu, J.

S189275 E049135 Fourth Appellate District, Div. 2**RICHARDS (WILLIAM) ON
H.C.**

Opinion filed: Judgment affirmed in full

Majority Opinion by Kennard, J.

-- joined by Cantil-Sakauye, C. J., Baxter, and Corrigan, JJ.

Dissenting Opinion by Liu, J.

-- joined by Werdegarr and Chin, J.J.

S206876 A136875 First Appellate District, Div. 2**R. (M.) v. S.C. (PEOPLE)**

Petition for review & application for stay denied

S105908**PEOPLE v. GHOBRIAL
(JOHN SAMUEL)**

Extension of time granted

Good cause appearing, counsel's request for an extension of time in which to file the appellant's reply brief is granted to February 4, 2013. The court anticipates that after that date, only three further extensions of time totaling about 180 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all necessary to meet it.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S205534**SWANSEEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that JAMES PAUL SWANSEEN, State Bar Number 159918, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. JAMES PAUL SWANSEEN is suspended from the practice of law for a minimum of the first six months of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to Surya Ratnam in the amount of \$6,850 plus 10 percent interest per year from October 29, 2005 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Surya Ratnam, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. JAMES PAUL SWANSEEN must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 6, 2012.
3. At the expiration of the period of probation, if JAMES PAUL SWANSEEN has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

JAMES PAUL SWANSEEN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

JAMES PAUL SWANSEEN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days,

respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2014, 2015, and 2016. If JAMES PAUL SWANSEEN fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S205536**SHILBERG ON DISCIPLINE**

Recommended discipline imposed

The court orders that NATHAN MARK SHILBERG, State Bar Number 178212, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. NATHAN MARK SHILBERG is suspended from the practice of law for the first one year of probation;
2. NATHAN MARK SHILBERG must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on June 21, 2012; and
3. At the expiration of the period of probation, if NATHAN MARK SHILBERG has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

NATHAN MARK SHILBERG must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

NATHAN MARK SHILBERG must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S205539**CHALLGREN ON
DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL L. CHALLGREN, State Bar Number 137072, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. MICHAEL L. CHALLGREN is suspended from the practice of law for six months (with

credit given for inactive enrollment, which was effective March 1, 2011, through September 1, 2011 (Bus. & Prof. Code, § 6233)).

2. MICHAEL L. CHALLGREN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on July 19, 2012.
3. At the expiration of the period of probation, if MICHAEL L. CHALLGREN has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S205545**GREENSPAN ON
DISCIPLINE**

Recommended discipline imposed

The court orders that ARTHUR GREENSPAN, State Bar Number 150216, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. ARTHUR GREENSPAN is suspended from the practice of law for the first one year of probation;
2. ARTHUR GREENSPAN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 9, 2012; and
3. At the expiration of the period of probation, if ARTHUR GREENSPAN has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

ARTHUR GREENSPAN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2014, 2015, and 2016. If ARTHUR GREENSPAN fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S205546**ASSURAS ON DISCIPLINE**

Recommended discipline imposed

The court orders that DENNIS M. ASSURAS, State Bar Number 85874, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. DENNIS M. ASSURAS is suspended from the practice of law for the first 30 days of probation;
2. DENNIS M. ASSURAS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 10, 2012; and
3. At the expiration of the period of probation, if DENNIS M. ASSURAS has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

DENNIS M. ASSURAS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.